

PC SCAN

In the United States District Court for the
Northern District of Illinois
Eastern Division

SCANNED at MENARD and E-mailed
8-20-24 by JA 6 pages
Date initials No.

Martin Lyons #M-19540
Plaintiff
VS.
Shelvin et al.

Case no. 22: CV 5846
Honorable: Lashonda A. Hunt
Magistrate: David Weisman

FILED
8/20/2024

VKM

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

"Proposed" Amended Complaint of the Plaintiff

To: Dylan Barnick
Assistant Attorney General
General Law Bureau
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To: Clerk of the US District Court
United States Courthouse
219 South Dearborn Street
Chicago, IL 60604

(1)

Martin Lyons #12-19540
Plaintiff
vs.
Shevlin et.al.

Case: 22-CV-5846
The Honorable: LaShonda A. Hunt
The Honorable: M. David Weisman

Motion For Leave to File Amended Complaint

Comes now Martin Lyons pursuant to Federal Rules Requests leave to file the proposed amended complaint attached herein for the following reasons:

- 1) The claims are related to the original complaint and "Relates back".
- 2) The Amended complaint cures deficiencies in this case.
- 3) The Amended complaint gives the "full picture" of the entirety of this case.
- 4) The "new" material in this complaint are highlighted with underlines.
- 5) No party will be prejudiced by the proposed Amended complaint.
- 6) The Amended complaint is not for use in improper manner.
- 7) This court should freely give leave to amend when justice requires.

Pursuant to 28 USC. 1746 I declare under penalty of perjury that the content herein is true and correct

Martin Lyons #12-19540
Menard C.C. P.O. Box 1000
Menard, IL 62259

Statement of Facts

- 1.) Upon personal knowledge during the approximate months of August 2020 through October 2020 I was in Seg for a fighting ticket and also for a previous ticket caught PRIOR for Intimidation or Threats in Stateville Correctional Center.
- 2.) Upon personal knowledge I wrote approximately 8 to 12 grievances while in Seg in Stateville.
- 3.) Upon personal knowledge at least two or more of those grievances were against the whole Internal Affairs staff and it was dealing with my personal PIN number and not being able to use the phone when I was on A-grade while in Seg.
- 4.) Upon personal knowledge I got out of Seg in the month of October 2020 and was housed in cell E-516 with inmate with last name of Estoban and he was a "Latin King" gang member.
- 5.) Upon personal knowledge Edward House was on level one lockdown after I was fresh out of Seg after approximately 10 days and I did not know what reason the lockdown was for.
- 6.) Upon personal knowledge on 10/30/20 my cell E-516 was Shakedown from 11:00 am through 2:30 pm and I heard the radio communications saying that my cell was one of the "targeted" cells for Shakedown.
- 7.) Upon personal knowledge during being woken up out of my sleep, I had to defecate badly during the early morning hours and told the TACT Team member at my door and was told that bathroom breaks will be held in the Chow Hall.
- 8.) Upon personal after holding bowel movements for over an hour and a half in the Chow Hall, I end up being on a list to provide a urine sample to Internal Affairs.
- 9.) Upon personal knowledge there was approximately 16 to 20 other inmates waiting in line that also had to provide urine samples and the line was long in length while I waited to defecate.
- 10.) Upon personal knowledge after approximately 40 minutes I was still waiting in line to defecate and I approached Shewlin and Szorc multiple times of how bad I had to defecate and they kept saying I had to wait.

11) Upon personal knowledge after waiting approximately 20-25 more minutes I finally got my chance to relieve myself and provide sample and upon going in to a small room that was next to the toxins room in Stateville, I saw Wilcock and Pushardt standing by the bathroom door with other staff members in the background.

12) Upon personal knowledge when I walked up to Wilcock^{and} I told him while Pushardt was standing in the hallway outside the bathroom door that I had to "drop a few" before being able to urinate and Wilcock stated, "Aw, that ain't gonna happen." I stated, "I can't pee without defecating a little bit." Wilcock responded, "Drink some water, it'll come out." I heard one of the background staff members in the group shout, "I got a grievance for you to shove up your ass!" All the prison officials laughed at that remark.

13) Upon personal knowledge after walking back into hallway outside the small side room I stood back in line and Shevlin along with SCORC ~~came~~ and told me that if I did not drop in 2 hours I would be going back to Seg, which is a standard protocol when it comes to providing urine samples.

14) Upon personal knowledge while standing in the hallway Carnahan came and told me to follow him and I walked with him to the Investigative Unit and to the ~~off~~ Office that's in the middle of an office on the left and a stairwell on the right and camera above that room before walking in.

15) Upon personal knowledge after walking in the middle office door, Carnahan closed the door behind me and there was another staff member I don't know inside the office and I was interviewed about some stabbing that happened in Edward House that I did not witness because of being in Seg during those times and this interview was about 25 minutes long.

16) Upon personal knowledge after the interview Carnahan took me back to the Room with the congregation was at and on the way there I asked if I could defecate again and he said, "It's at my control whether you get to use the bathroom." I was denied bathroom access by Carnahan.

17) Upon personal knowledge upon arrival back to the drop room, all of the Internal Affairs were there and when they saw me and my face disgruntled they all started laughing and smiling amongst each other and Shevlin finally said, "Emon man."

18) Upon personal knowledge after taking me back to the Investigative Unit ^{Shevlin} told me to sit and wait on the bench. I then stated, "Don't you think I held it long enough, I'm not an animal I'm a human being." He went into the office and closed the door.

19) Upon personal knowledge there was another inmate sitting on the bench in the hallway with me and there was a camera that would see above the middle office door and it is upon information and belief the time was approximately between 12:25 pm through 1:45 pm and his name was Raymond Harris #B42440 AKA "Lil Fella."

(20.) Upon personal knowledge after waiting approximately 10 to 15 more minutes, I could no longer hold bowel movements and was forced to relieve myself on the side of a cart and the inmate Raymond Harris #B42440 saw me in the hallway of the Investigative unit and all this was on camera at the listed times in paragraph 19.

(21.) Upon personal knowledge after seeing me relieving myself on camera, Shevlin bust out the office saying, "Cmon man." I said, "It was too late." Shevlin went back in office slamming door.

(22.) Upon personal knowledge, Derek Jaburek came in the Investigative unit hallway and saw me defecating he said, "Man what the fuck are you doing, get the fuck up right now."

(23.) Upon personal knowledge Jaburek snatched me up while I was handcuffed and yanked me up on my feet saying "Sit the fuck down!" then shoved me with enough sufficient force in my chest, I got knocked back on bench hitting my head and shoulders on wall and was dazed and stunned.

(24.) Upon personal knowledge after getting physical with me, Jaburek said, "And you better not fucking write a grievance on me either." I wrote grievance 3362 on the incident.

(25.) Upon personal knowledge after it was more than 60 days and not hearing or receiving any kind of response to the incident within 60 days there was nothing in Stateville that told me what to do when grievance is not answered so the remedy became "unavailable"

(26.) Upon personal knowledge I placed the grievance in the "wooden box" on my way to the yard in East House (Edward) and I got sent to seg in X-House and went to D-House but I never heard anything back after 60 days from turning the grievance in.

(27.) Upon personal knowledge after the 10/30/20 incident, I attempted putting in for sick call to complain and express those concerns but was denied sick call on multiple occasions from 10/30/20 through 4/21/21.

(28.) Upon personal knowledge for the entire month of November 2020 I attempted to received the medical treatment while signing up for sick call after this incident.

Pursuant to 28 USC 1746 I declare under penalty of perjury that I am a named party in this case and the content herein is neither taken frivolously or maliciously and based upon personal knowledge and true and correct.

8/20/24

Martin Lynn #M-19540
Menard CC PO Box 1100
Menard, IL 62259

Exhaustion
Plaintiff wrote grievance #3362 for this incident in complaint and exhausted the administrative remedies that were made available but due to a properly filed grievance going unanswered the remedy became "unavailable" after waiting over 60 days for a response under the old grievance procedures.

Exhibit

Raymond Harris #B42440 filed affidavit on 6/26/24 and will be used to support allegations in this complaint.

Relief Requested

- 1) Compensatory damages in individual capacities of defendants separately.
- 2) Punitive damages in ~~each~~ individual capacities of defendants separately.
- 3) Monetary damages in individual capacities for expenses incurred during this litigation of all defendants, jointly or separately.
- 4) Jury Demand to determine damage amount at trial.